

**Valeri Haughton, Presiding Judge
Division VIII**

Monroe Circuit Court

The Zietlow Justice Center
301 North College Avenue
Bloomington, Indiana 47404-3865
(812) 349-2615

E. Michael Hoff, Judge
Division I

Kenneth G. Todd, Judge
Division III

Mary Ellen Diekhoff, Judge
Division V

Stephen R. Galvin, Judge
Division VII

Marc R. Kellams, Judge
Division II

Elizabeth A. Cure, Judge
Division IV

Frances G. Hill, Judge
Division VI

Teresa D. Harper, Judge
Division IX

Bret Raper, Commissioner

NOTICE TO THE BAR

TO: Monroe County Bar
FROM: Monroe Circuit Court
RE: Proposed Changes in Local Rules
DATE: May 20, 2016

The Monroe Circuit Court Board of Judges hereby gives notice to the bar and the public that the Court proposes to amend the Local Rule(s) of Monroe County, effective January 1, 2017. All new text is shown by underlining and deleted text is shown by ~~striketrough~~.

In accordance with Trial Rule 81, the time period for the bar and public to comment shall begin on June 1, 2016 and shall close July 1, 2016. Comments may be made to Bonnie Austin, Monroe Circuit Court, 301 N. College Avenue, Bloomington, IN 47404 or email comments to baustin@co.monroe.in.us. Proposed amendments to the rule will be adopted, modified or rejected before July 31, 2016 and the final version of the rules will be submitted to the Indiana Supreme Court for review and approval no later than August 1, 2016.

In addition, complete rule language is available for review on the Monroe County Local Rules section of the Indiana Judiciary website <http://www.in.gov/judiciary/2918.htm>, Monroe Circuit Court website <http://www.co.monroe.in.us/tsd/Justice/CircuitCourt.aspx> and a copy posted in the Monroe Circuit Clerk's office.

(See attached list of all the proposed to changes to the Monroe Circuit Court Local Rules.)

LR53-TR05-0203 PREPARATION OF PLEADINGS AND ORDERS

Updated 5-18-16

- A. Proposed Orders. A party or attorney filing a motion shall, at the time of filing, provide the court with an original proposed order and sufficient copies for each party, ~~and an extra copy for the court.~~ Proposed orders shall include a full distribution list of attorneys or parties to whom the order should be sent. **Orders shall not contain extraneous language, such as a notification that the preparer is a debt collector. Bar coding of orders is permitted.**
- B Filing by Electronic Facsimile Transmission. Pleadings not exceeding ten (10) pages in length, may be filed by facsimile (FAX) as provided in Administrative Rule 12. Facsimile filing does not require follow up filing of duplicate original documents.

LR53-FL00-0409 CHILDREN IN FAMILY LAW CASES

Updated 5-18-16

A. **COPE:** (<http://www.vnsi.org/chil.asp>) The best interest of children of divorcing parents and parents involved in paternity proceedings will be served by requiring parental participation in an education workshop entitled “Children Cope with Divorce”. Participation will:

- Improve post-separation parenting; and
- Encourage agreements between the parties concerning their child(ren).

These same interests will be served by requiring attendance at the workshop by some parents involved in post-dissolution proceedings.

Both parents in domestic relations and juvenile paternity cases involving children under the age 18 years shall attend the parenting education workshop. The workshop must be completed prior to final hearing. Parents in cases seeking modification of custody and visitation orders may be ordered to attend the parenting education workshop. Each parent is responsible for ~~the fee (\$50.00/person)~~ **that parents’ fee**, though an allowance for indigent fee waiver may be available. The Petitioner shall register for the workshop within 30 days of filing the petition. A copy of the Standing Order that requires attendance shall be served on the Respondent with petition. The Respondent shall register for the workshop within 30 days after receiving the Standing Order. Said registration can be completed on line at: (<http://www.vnsi.org/chil.asp> or made through:

CHILDREN COPE WITH DIVORCE

Call Tuesday through Friday
9:00 am to ~~6:00~~ **5:00** pm
(877) 840-2673 or (317)722-8201
Ask for Children Cope With Divorce Seminar
Registration

Send completed registration cards to:

Children Cope With Divorce, Registrar
4701 N. Keystone Avenue
Indianapolis, IN 46205

- B. If the court finds that it would be in the best interests of a child in a family law case, the court may order the parents or other involved parties to participate in Up to Parents or Proud to Parent, or other resource not listed below as follows:
1. Marital Dissolution and Separation Cases: Parties so ordered shall complete the website work on www.UpToParents.org within 30 days of being so ordered. Parties shall file a copy of the “conclusion page” (which appears as the final page of the website work) to the court as documentation
 2. Paternity Cases: Parties so ordered shall complete the website work at www.ProudToParent.org within thirty (30) days of being so ordered. Parents shall file a copy of “The Conclusion Page” (which appears as the final page of the website work) to the court as documentation.
- C Resources in Cases Involving Risk to Child Safety. If the parties allege that current custody or parenting time orders present a risk to the safety of the child, the parties may request appointment of a guardian ad litem or custody evaluator. The request shall contain the availability, name, address, and phone number of the recommended professional and the cost of services, and how the costs will be divided between the parties. With reduced income parties the parties may request a Civil Investigation to be conducted by a probation officer.

LR53-PR00-0803 BOND

Updated 5-18-16

- A. Corporate Surety Bond in Estates. In every estate, the fiduciary, prior to the issuance of letters, shall file a corporate surety bond in such amount as shall be set by the court, except as hereafter provided:
1. Where, under the terms of a will, the testator expresses an intention that the bond be waived, the court shall set a bond in an amount adequate to protect creditors, tax authorities, and devisees. This bond shall be a minimum of ~~Twenty-Five Thousand Dollars (\$25,000.00)~~ **Fifteen Thousand Dollars (\$15,000.00)** unless otherwise ordered.
 2. Where the fiduciary is an heir or legatee of the estate, the court may reduce the bond by the amount of the fiduciary's share of the estate.
 3. Where the heirs or legatees have filed a written request that the fiduciary serve without bond, the bond may be set in an amount adequate to protect the rights of the creditors and tax authorities only.
 4. In an unsupervised estate, bond may be set at the discretion of the Court, and, unless otherwise ordered, shall be in the amount of ~~Twenty-Five Thousand Dollars (\$25,000.00)~~ **Fifteen Thousand Dollars (\$15,000.00)**.
 5. No bond shall be required in any supervised estate in which a corporate fiduciary, qualified by law to serve as such, is a personal representative.
 6. No bond shall ordinarily be required in an estate when the surviving spouse is the personal representative and is also the only heir or legatee, and the estate is solvent.
- B. ~~Transfer in Lieu of Bond. In lieu of a bond as required by Local Probate Rule 3(A), a fiduciary may restrict transfer of all or part of the estate liquid assets by placing those assets in a federally insured financial institution with the following restriction placed on the face of the account or document: NO PRINCIPAL OR INTEREST SHALL BE WITHDRAWN WITHOUT WRITTEN ORDER OF A JUDGE OF THE CIRCUIT COURT OF MONROE COUNTY, INDIANA.~~
- C. B. Inclusion of Agency Identification. The name, address, and telephone number of the insurance agency providing the corporate surety shall be typed or printed on all corporate bonds in any estate.

LR53-PR00-0804 INVENTORY AND DOCUMENTS SHOWING VALUE

Updated 5-18-16

- A. SUPERVISED ESTATES. ~~An inventory shall be filed with the court in a supervised estate.~~ The court will maintain ~~the~~ any inventory or accounting filed as a confidential court record pursuant to Administrative Rule 9.
- B. UNSUPERVISED ESTATES The court may require an inventory to be filed in unsupervised estates as a condition of continuing that status. If an inventory is filed with the court, it shall be maintained by the court as a confidential court record pursuant to Administrative Rule 9.

LR53-PR00-0808 ACCOUNTINGS

Updated 5-18-16

- A. Intermediate Accounting. Whenever supervised estate cannot be closed within one year, an intermediate account shall be filed with the court within thirty days after the expiration of one year and each succeeding year thereafter. Such accounting shall comply with the provisions of Indiana Code Sections 29-1-16-4 and 29-1-16-6, and
1. Shall state facts showing to the court the reasons the estate cannot be closed and providing the court with an estimated date of closing;
 2. Shall propose partial distribution of the estate to the extent that partial distribution can be made without prejudice to distributees, claimants, and taxing authorities.
- B. Vouchers and Cancelled Checks. In all supervised estate accountings, vouchers or cancelled checks for the expenditures claimed shall be filed with the accounting. An affidavits in lieu of vouchers or cancelled checks may be accepted from the fiduciary-provided the fiduciary retains the vouchers or cancelled checks on file or by a digital image, and is able to, and will
- C. Expenditure Notation. In all supervised estate accountings, a notation shall be placed by each reported expenditure indicating the check number, date, payee, and reason for, or nature of the expenditure. Missing checks shall be accounted for
- D. Itemized Statement of Assets. All accountings to the court shall contain an itemized statement of all assets on hand.
- E. Payment of Costs and Claims. All court costs shall be paid and all claims satisfied and released before the hearing on the final account, and a Clerk's Certification (attached form at Appendix A) shall be filed with the Court before the final account will be approved.
- F. Tax Closing Letters. **If required,** the Federal Estate Tax Closing letter ~~and the Indiana Inheritance Tax Closing letter~~ showing payment of all Federal estate ~~and Indiana inheritance~~ tax liability in the estate shall be attached to the final report at the time of filing, unless previously filed.

**LR53-CR00-00316 AMENDED ORDER ESTABLISHING COMMUNITY
ALTERNATIVE SUPERVISION PROGRAM (CASP) PROCEDURES**

The Court, noting that participation in the Community Alternative Supervision Program (CASP), including the Home Detention Program component, is contingent upon offender compliance with program rules and regulations, finds:

Pursuant to I.C. 35-38-2.5-6, program participants must have a working telephone in their home to be eligible for Home Detention. If the participant does not have a working telephone and/or a long distance carrier, the Court ORDERS that the participant shall be placed on CASP Day Reporting without credit time until working telephone service can be verified; or until an electronic monitoring cellular unit can be utilized for a non-violent offender with the participant paying the additional enhanced electronic monitoring daily fee.

A maximum of two (2) weeks from CASP/Home Detention Intake will be allowed for offenders to meet program guidelines for acceptance in CASP (including securing a working telephone and long distance carrier). Upon program staff verification of offender meeting program guidelines for acceptance in CASP (including securing a working telephone), the participant will begin Home Detention by the next business day if possible.

FAILURE TO MEET ELIGIBILITY GUIDELINES FOR CASP/HOME DETENTION PROGRAM

Program eligibility shall be determined by program staff prior to admitting participants to any level of CASP. If the participant is not eligible per prohibition by statute (excluding telephone provision), the Court shall be notified immediately via memorandum (email or hard copy) by the supervising probation officer and the participant will not to be placed on the program until or unless statutory prohibitions are remedied.

If offender does not meet program guidelines for CASP/Home Detention (including telephone phone service and suitable housing) within two weeks (14 days) of the CASP/Home Detention Intake appointment, program staff shall file a memorandum with the Court, advising the Court of the participant's status. If the offender in question cannot be located by program staff, the supervising probation officer shall file a Notice of Noncompliance with the Court requesting a warrant. If the offender in question is on the Day Reporting Program, program staff may bring the offender to the Duty Judge/Court to advise the Court of the offender's failure to meet program guidelines for CASP within 14 days of the CASP/Home Detention Intake.

Once advised of the offender's failure to meet program eligibility guidelines for CASP/Home Detention, the Court may:

- (1) Order the defendant to be taken into custody to serve the executed portion of sentence;**
- (2) Order the defendant to be taken into custody with a status hearing to be held; or**
- (3) Order the defendant to have 14 additional days on Day Reporting in order to attain eligibility.**

EMPLOYMENT ASSISTANCE

CASP, including the Home Detention component, is designed to provide immediate employment assistance for unemployed offenders/participants, therefore being unemployed will not delay the commencement of program participation. Unemployed participants shall be placed on CASP Home Detention with Day Reporting which requires clients to report to the Community Corrections office daily, Monday through Friday. Program staff shall verify

participants' active job search. Participants who remain unemployed within two weeks (14 days) of commencement of CASP Home Detention may be required to report for Road Crew, five (5) hours per day as directed, until employment is secured. If participant remains unemployed for one month, an Administrative Probation Meeting (APM) will occur or a petition will be filed with the Court to further determine the participant's status.

CASP AS CONDITION OF BOND

If the defendant is being referred to CASP as a condition of bond, the Court should retain the defendant in the Monroe County Jail until notified that program staff has completed screening and that the defendant meets program eligibility. This initial screening process will be conducted by program staff within 2 to 4 business days of request by the Court.

SEX OFFENDERS AND VIOLENT OFFENDERS

Pursuant to IC 35-38-2.5 a person placed on Home Detention who is deemed as a violent offender or sex offender shall be placed on GPS electronic monitoring. If the participant is a violent offender or sex offender, the supervising probation officer shall identify the participant as such in the Probation Department case management databases. The violent offender or sex offender shall also be specifically identified on the Community Corrections field officer's log sheet and also on the report sent to law enforcement agencies, which lists all Monroe County Home Detention participants.

Notification on possible GPS violations from the electronic monitoring equipment vendor will be investigated by Community Corrections staff. If a violation is verified, the supervising probation officer will take corrective action up to a request for issuance of a warrant either in writing during office hours or telephonically after hours. If probable cause is found by the Court that the defendant has violated conditions of CASP Home Detention, the Monroe County Sheriff's Department and/or Monroe County Central Dispatch will be initially advised of the verified program violation.

The Monroe Circuit Court Board of Judges has delegated authority to CASP probation officers to authorize temporary leaves for personal errands for CASP Home Detention participants for not more than three hours (including travel time) per week for specific, necessary purposes such as banking, payment of bills, laundry, personal errands (haircut, medical appointment, etc.), and grocery shopping.

The Board of Judges delegates the terms of placement in Community Corrections to the Community Corrections Director, and permits the director to change the terms of placement or reassign a person in CASP. Participants may be placed on GPS, alcohol-detect electronic monitoring enhancements or other conditions with the director's approval. Participants will be responsible for paying applicable adjustments to user fees for added services.

This Order applies to persons sentenced to, or released as a condition of bond to CASP Home Detention.

LR53-AR15-0132 TRANSCRIPTS

Updated 4-20-16

A. Definitions. The following definitions shall apply under this local rule:

1. A ***Court Reporter*** is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record in a given case before the court.
2. ***Equipment*** means all physical items owned by the court or other governmental entity used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes and any other device used for recording, storing, and transcribing electronic data.
3. ***Work space*** means that portion of the court's facilities dedicated to each court reporter, including but not limited to, actual space in the courtroom and any designated office space.
4. ***Page*** means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.
5. ***Recording*** means the electronic, mechanical, stenographic, or other recording made as required by Indiana Rule of Trial Procedure 74.
6. ***Regular hours worked*** means those hours which a division of the court is regularly scheduled to work during any given work week. Depending on the schedule of the court and its flex schedule for court reporters, these hours may vary from division to division of the court, within the county but remain the same for each work week.
7. ***Gap hours worked*** means those hours worked that are in excess of the regular hours worked but hours not in excess of 40 hours per work week.
8. ***Overtime hours*** means those hours worked in excess of 40 hours per work week.
9. ***Work week*** means a 7 consecutive day week defined by the County's payroll schedule which consistently begins and ends on the same day throughout the year; i.e. Sunday through Saturday, Wednesday through Tuesday, or Friday through Thursday.
10. ***Court*** means the Monroe Circuit Court and Division means the particular division of the Court for which the court reporter performs services. Court may also mean all of the divisions of the Monroe Circuit Court.
11. ***County indigent transcript*** means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.
12. ***State indigent transcript*** means a transcript that is paid for from state funds and is for the use on behalf of a litigant who is declared indigent by a court.
13. ***Private transcript*** means a transcript, including but not limited to, a deposition transcript that is paid for by a private party. A transcript required within 14 days of the request is a category 1 expedited private transcript. A transcript required within 30 days of the request is a category 2 expedited private transcript. A transcript required within 45 days of the request is a category 3 expedited private transcript.

14. **Volume** applies to Appellate Court bound transcripts. Each volume is to be limited to 250 pages. The table of contents is to be a separate volume and the exhibits are to be included in a separate bound volume (or volumes if more than 250 pages).

B. Section Two. Salaries and Per Page Fees.

1. Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising Judge during any regular work hours, gap hours or overtime hours. The Monroe Circuit Court shall enter into a written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours; i.e. monetary compensation or compensatory time off regular work hours.
2. The maximum per page fee a court reporter may charge for the preparation of a routine county indigent transcript shall be ~~\$3.50~~ **\$4.00**. The court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts. The court reporter shall not charge a fee for copies of an indigent transcript when the preparation of same has already been paid by the county. The court reporter shall not charge for copies of a prepared indigent transcript requested by a Court appointed entity (i.e. CASA, GAL) when the preparation of same has already been paid by the county.
3. The maximum per page fee a court reporter may charge for the preparation of a non-appellate state indigent transcript shall be ~~\$3.50~~ **\$4.00**.
4. The maximum per page fee a court reporter may charge for the preparation of a non-appellate private transcript shall be ~~\$4.50~~ **\$5.00**. The per page fee a court reporter may charge for a copy of a prepared transcript shall be \$2.00. The maximum per page fee a court reporter may charge for the preparation of a category 1 expedited private transcript shall be ~~\$8.00~~ **\$8.50**. The maximum per page fee a court reporter may charge for the preparation of a category 2 expedited private transcript shall be ~~\$7.00~~ **\$7.50**. The maximum per page fee a court reporter may charge for the preparation of a category 3 expedited private transcript shall be ~~\$6.00~~ **\$6.50**. Category 1, category 2 and category 3 expedited private transcripts are defined in Section 1, definition #13.
5. **The Court Reporter, may at their discretion, contract with an outside Court Reporter or Transcription Service to complete any requested transcript.**
6. Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of county indigent, state indigent, or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of the State Court Administration.

C. Section Three. Private Practice.

1. If a court reporter elects to engage in private practice by recording a deposition and/or preparing a deposition transcript, outside of and in addition to his or her official duties for the court, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court equipment for such purpose, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:
 - a. The reasonable market rate for the use of equipment, work space and supplies;
 - b. The method by which records are to be kept for the use of equipment, work space and supplies; and

- c. The method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.
2. If a court reporter elects to engage in private practice though the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.

D. Section Four. Appellate Court Transcripts.

1. The maximum per page a court reporter may charge for the preparation of an appellate indigent transcript is ~~\$4.00~~ **\$4.50**.
2. The maximum per page fee a court reporter may charge for the preparation of an appellate private transcript shall be ~~\$5.00~~ **\$5.50**.
3. A minimum fee of \$35.00 per transcript may be charged for small transcripts but not in addition to the per page fee.
4. The Index and Table of Contents shall be charged at the same per page rate as the body of the transcript.
5. Labor charge may be assessed at the same rate as the Official Court Reporter's hourly salary for time spent binding the transcript and exhibits.
6. In addition, a reasonable market rate for office supplies may be charged for private appellate transcripts as designated in the Schedule of Supplies.